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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/894,446	06/28/2001	Pleyer Sven	03797.00042	5196

28319 7590 08/24/2004

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EXAMINER

PARTON, KEVIN S

ART UNIT

PAPER NUMBER

2153

DATE MAILED: 08/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/894,446

**Applicant(s)**

SVEN ET AL.

**Examiner**

Kevin Parton

**Art Unit**

2153

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/14/2001</u>  | 6) <input type="checkbox"/> Other: ____                                     |

**DETAILED ACTION*****Specification***

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because the phrase "Disclosed is a method and apparatus for" is unnecessary. Correction is required. See MPEP § 608.01(b).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-9, 11-13, 15-19 and 31-33 are rejected under 35 U.S.C. 102(e) as being anticipated by Foley et al. (USPN 6,487,590).

5. Regarding claim 1, Foley et al. (USPN 6,487,590) teach a control management system for software controllable devices comprising:

- a. A communication network (figure 1).
- b. A plurality of software controllable devices coupled to the network wherein each software controllable device has at least one property to be controlled and wherein each software controllable device has an associated control object that exposes the properties of the device to be exposed (column 1, lines 39-44; column 3, lines 19-33).
- c. At least one client operatively coupled to the network and having a user interface, the client being capable of changing a value of a property of at least one device via the network (column 3, lines 28-35).
- d. An event manager coupled to the network and having stored the property values of each device and the properties to which the client subscribed (column 3, lines 35-40; column 2, lines 55-59).
- e. Wherein the event manager when polled by the client provides the client with an update of any changes to the properties to which the client has subscribed (column 2, lines 55-59; column 3, lines 35-40).

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6. Regarding claims 2 and 22, Foley et al. (USPN 6,487,590) teach all the limitations as applied to claims 1 and 21, respectively. They further teach means wherein the event manager has a persistence store container identifying each control object of the devices to be controlled (column 2, lines 55-59; figure 4).

7. Regarding claims 3 and 23, Foley et al. (USPN 6,487,590) teach all the limitations as applied to claims 2 and 22, respectively. They further teach means wherein each control object in the persistence store has associated parameters selected from the group consisting of an identification of the control object, a name of the control object, a location of the associated device, an exposed properties listing of the associated device, and a property descriptor (figure 4).

8. Regarding claims 4 and 24, Foley et al. (USPN 6,487,590) teach all the limitations as applied to claims 3 and 23, respectively. They further teach means wherein the property descriptor enumerates the exposed properties of the control object (figure 4).

9. Regarding claims 5 and 25, Foley et al. (USPN 6,487,590) teach all the limitations as applied to claims 1 and 21, respectively. They further teach means wherein the event manager has a custom container identifying each control object based on locations of each of the associated plurality of software controllable devices (column 2, lines 55-59; figure 4).

10. Regarding claims 6 and 26, Foley et al. (USPN 6,487,590) teach all the limitations as applied to claims 1 and 21, respectively. They further teach means wherein each property stored in the event manager has an associated time

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stamp indicating when the property last changed value (column 2, lines 55-59).

Note that only changes are sent, so the time of last update must be known.

11. Regarding claims 7 and 27, Foley et al. (USPN 6,487,590) teach all the limitations as applied to claims 1 and 21, respectively. They further teach means wherein the event manager has a client time stamp indicating when the client last queried the event manager to property change information (column 2, lines 55-59). Note that only changes are sent, so the time of last update must be known.

12. Regarding claims 8 and 28, Foley et al. (USPN 6,487,590) teach all the limitations as applied to claims 1 and 21, respectively. They further teach means wherein the client subscribes to at least one controllable property that the client can control and wherein the event manager associates the controllable property with the client (column 2, lines 56-59; column 3, lines 29-33).

13. Regarding claims 9 and 29, Foley et al. (USPN 6,487,590) teach all the limitations as applied to claims 1 and 21, respectively. They further teach means for (i) receiving a request from a client for status information regarding at least one property of a device wherein the request provides a time stamp information for the client (column 2, lines 55-59); (ii) comparing the time stamp information for the client and the time stamp corresponding to the property that the client requests (column 2, lines 55-59); and (iii) if the time stamp information for the client is earlier than the time stamp corresponding to the property that the client requests, providing the property value information to the client (column 2, lines 55-59). Note that only changes are sent, so the time of last update must be known.

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14. Regarding claims 11 and 31, Foley et al. (USPN 6,487,590) teaches all the limitations as applied to claims 1 and 21, respectively. They further teach means wherein the software controllable devices communicate with the event manager via a component object model (COM) (column 4, lines 3-10).

15. Regarding claims 12 and 32, Foley et al. (USPN 6,487,590) teach all the limitations as applied to claims 11 and 31, respectively. They further teach means wherein the client is not COM enabled (column 4, lines 3-10).

16. Regarding claims 13 and 33, Foley et al. (USPN 6,487,590) teaches all the limitations as applied to claims 1 and 21, respectively. They further teach means wherein the software controllable devices communicate with the event manager via a distributed component object model (DCOM) (column 4, lines 3-10).

17. Regarding claim 15, Foley et al. (USPN 6,487,590) teach an event manager for use with a networked control management system comprising:

- a. A first interface for communicating with at least one client figure 1).
- b. A second interface for communicating with at least one control object representative of a software controllable device (figure 1).
- c. A persistence store having stored therein a listing of the control objects in the control management system wherein each control object in the listing identifies each property to be controlled, wherein each property has a property value and a time stamp of when the property was last changed (figure 4; column 2, lines



55-59; figure 9). Note that notifications are sent if status changes between the "heartbeat" so a timestamp of the previous heartbeat is held.

18. Regarding claim 16, Foley et al. (USPN 6,487,590) teach all the limitations as applied to claim 15. They further teach means wherein (i) in response to receiving a request for status information, identifying those subscribed properties that changed property values since a previous request from the client; and (ii) providing updated property value information to the client for those subscribed properties that changed values since the previous request (figure 4; column 2, lines 55-59; figure 9).

19. Regarding claim 17, Foley et al. (USPN 6,487,590) teach a system for providing updates to a client relating to a plurality of software controllable devices with means for:

- a. Maintaining a list of device properties wherein each property has an associated time stamp indicative of when the device property was last changed (figure 8; column 2, lines 55-59).
- b. Maintaining subscription information indicative of the device properties to which the client has subscribed, forming a subscribed device properties (column 2, lines 55-59).
- c. Receiving a request from the client for status information (column 2, lines 55-59; column 3, lines 18-20).

- d. Identifying those subscribed device properties that changed property values since a previous request from the client (column 2, lines 55-59; column 3, lines 25-29).
  - e. Providing updated property value information to the client for those properties that changed values since the previous request (column 3, lines 25-29).
20. Regarding claim 18, Foley et al. (USPN 6,487,590) teach all the limitations as applied to claim 17. They further teach computer-readable medium having computer-executable instructions for performing the steps recited in claim 17 (figure 1).
21. Regarding claim 19, Foley et al. (USPN 6,487,590) teach a system for providing a client information about at least one device with means for:
- a. Storing, in a central memory coupled to the network, property information for the device (figure 1).
  - b. Receiving change information from the network indicating that a property of the device has changed (column 1, lines 42-44; column 2, lines 55-59).
  - c. Storing, in the central memory, the change information relating to the property of the device (figure 4; figure 8).
  - d. Storing in the central memory, a property time stamp corresponding to the change information indicating when the property of the device changed (figure 9; column 7, line 26).

- e. Receiving a request for status information from a client regarding the property, wherein the client has a time stamp that is earlier than the property time stamp (column 2, lines 55-59; column 1, lines 42-44).
  - f. Providing the change information to the client via the network (column 2, lines 55-59).
  - g. Wherein the client has accurate information regarding the device to be controlled (column 2, lines 55-59).
- 22. Regarding claim 20, Foley et al. (USPN 6,487,590) teach all the limitations as applied to claim 19. They further teach computer-readable medium having computer-executable instructions for performing the steps recited in claim 17 (figure 1).
- 23. Regarding claim 21, Foley et al. (USPN 6,487,590) teach a system for controlling devices comprising:
  - a. At least one control object residing in the computer-readable medium accessible to a software controllable device and exposing controllable properties for the respective device, the control object accepting and issuing messages to and from the respective device (figure 1; column 1, lines 39-45)
  - b. An event manager module in the computer readable medium accepting and issuing messages to the control object and storing the exposed controllable properties and property values of the devices (figure 1, element 24; column 2, lines 55-59).

- c. A user interface residing in the client adapted to receive property value information from the event manager and accept and issue control messages to and from the event manager (figure 1, element 30; column 3, lines 18-20).
- d. Wherein the event manager serves as an interface for the client to issue commands to the software controllable devices and to receive updates of any changes to the property values (column 3, lines 28-40).

***Claim Rejections - 35 USC § 103***

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. Claims 10 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foley et al. (USPN 6,487,590) in view of Kumar et al. (USPN 6,665,731).
26. Regarding claims 10 and 30, although the system disclosed by Foley et al. (USPN 6,487,590) (as applied to claims 1 and 21, respectively) shows substantial features of the claimed invention, it fails to disclose means wherein the client communicates with the event manager via eXtensible Markup Language (XML).

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Foley et al. (USPN 6,487,590), as evidenced by Kumar et al. (USPN 6,665,731).

In an analogous art, Kumar et al. (USPN 6,665,731) discloses a system for remotely accessing device information wherein the client communicates with the event manager via eXtensible Markup Language (XML) (abstract; column 4, lines 53-60).

Given the teaching of Kumar et al. (USPN 6,665,731), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Foley et al. (USPN 6,487,590) by employing XML in the communication between the client and the event manager. This benefits the system because XML is easily expanded to include new devices and data types and can be viewed and utilized by a client of any platform.

27. Claims 14 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foley et al. (USPN 6,487,590) in view of Humpleman et al. (USPN 6,546,419).

28. Regarding claims 14 and 34, although the system disclosed by Foley et al. (USPN 6,487,590) (as applied to claims 1 and 21, respectively) shows substantial features of the claimed invention, it fails to disclose specifically means wherein the devices are selected from the group consisting of electronics, appliances, furniture, and fixtures.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Foley et al. (USPN 6,487,590), as evidenced by Humpleman et al. (USPN 6,546,419).

In an analogous art, Humpleman et al. (USPN 6,546,419) discloses a system for the remote monitoring and control of devices wherein the devices are selected from the group consisting of electronics, appliances, furniture, and fixtures (abstract; figure 3).

### ***Conclusion***

29. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see the following:

- a. Prorock (USPN 6,754,704)
- b. Shields et al. (USPN 6,680,730)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton  
Examiner  
Art Unit 2153

ksp



Dung C. Dinh  
Primary Examiner